

ENTERED

October 26, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DWAYNE RIVENS-BAKER, JR.,

§

Plaintiff,

§

VS.

§

J. RILEY, *et al.*,

§

Defendants.

§

CIVIL ACTION NO. 2:22-CV-00247

OPINION AND ORDER OF TRANSFER

Plaintiff Dwayne Rivens-Baker, Jr., appearing *pro se*, has filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is currently assigned to the McConnell Unit in Beeville, Texas. In this action, however, Plaintiff complains about events that occurred while he was housed at the John B. Connally Unit in Kenedy, Texas (the “Connally Unit”). Plaintiff generally alleges that: (1) prison officials at the Connally Unit either used or conspired to use excessive force against him on or around April 5, 2021; and (2) Connally Unit medical officials acted with deliberate indifference to his serious medical needs following the use of force. (Doc. No. 1, pp. 4-5; Doc. No. 1-1, pp. 3-8.)

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1331(b). In addition, for the convenience of parties and witnesses, and in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. § 1404(a).

All of the events forming the basis of Plaintiff’s complaint occurred at the Connally Unit, which is located in Karnes County, Texas. Although Plaintiff is currently housed at the

McConnell Unit in Beeville, Texas, he expressly provides that all but one of the named defendants are employed at the Connally Unit.¹ (Doc. No. 1 at 4.) Because the Connally Unit is located within the San Antonio Division of the Western District of Texas, the interests of justice would be served by a transfer to that court.

Accordingly, **IT IS ORDERED** that this case be **TRANSFERRED** to the United States District Court for the Western District of Texas, San Antonio Division. The Clerk is **DIRECTED** to close this case in this division.

SIGNED on October 26, 2022.



MITCHEL NEUROCK
United States Magistrate Judge

¹ Plaintiff is unable to provide a mailing address for one of the named defendants, J. Riley (Riley). (Doc. No. 1, p. 4.) Plaintiff states, however, that Riley was employed as a grievance investigator who failed to properly investigate the excessive force incident occurring at the Connally Unit on April 5, 2021. *Id.* at 4-5. Plaintiff provides no information to suggest that Riley resides within the Corpus Christi Division of the Southern District of Texas.